

CHAPTER OVERVIEW

This chapter describes the criteria and process when the Family Support Team has determined that Another Planned Permanent Living Arrangement (APPLA) is the best permanency option.

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Attachment A: Planned Permanency Agreement

23.1 Definition and Purpose

ASFA created Another Planned Permanent Living Arrangement (APPLA) as the least preferred permanency option for children. Not intended to be a catch all for whatever temporary plan is needed, APPLA is a “living arrangement that is truly planned and permanent” in nature. “Planned” means the arrangement is intended, designed, considered, premeditated, or deliberate. “Permanent” means enduring, lasting, or stable. The term “living arrangement” includes not only the physical placement of the child, but also the quality of care, supervision, and nurturing the child will receive. While “living arrangement” may not necessarily be a specific residence or facility it does imply certain stabilizing features.

The other four preferred permanency plans (reunification, adoption, guardianship, placement with a fit and willing relative) consider more than the physical place a child resides. They involve a specific adult or couple (as opposed to an organization) who will be in charge of the young person, exercise certain powers and responsibilities, and likely live with the young person. Further, the caregiver's familial relationship with the child will be continuing in nature. Therefore, it follows that an APPLA either will involve a permanent adult caregiver of the child or at least adult parent figures playing permanent and important roles in the child's life.

The decision and development of an APPLA should include all parties (parent(s), placement provider, youth, service worker, Guardian ad Litem, and the court) and they should be in agreement and have complete understanding of the commitment required.

23.2 Case Study Examples of APPLAs

The following case studies are examples of appropriate APPLAs:

Example 1: *A 14 year old child, Angela, is in a residential treatment facility. She spends some weekends and holidays with a family friend, Mrs. S., who she has*

known for years. Mrs. S. is unwilling to adopt Angela because she is concerned that the adoption subsidy would not adequately address Angela's significant mental health needs. Mrs. S. is open to the idea of adopting Angela after she turns 18, and possibly being the representative payee for Angela's SSI benefits. In addition to addressing the mental health needs, Angela's permanency plan would include a structure of regular visitation with Mrs. S., and would include Mrs. S. in Angela's treatment and therapy as appropriate.

Example 2: *A 16 year old boy, Robert, lives in a supervised apartment and is receiving Chaffee Independent Living Services.* He stays with his aunt and uncle every other weekend. They are unwilling to allow him to live there full-time because they have three children under age 9. Robert has also had problems with drugs in the past, and they are concerned he may be a negative influence on their young children. They do help him with school issues, and are in the process of helping him fill out applications for college. Robert's permanency plan would not only include the Chaffee Independent Living Services he needs, but would also address issues between him and his aunt and uncle so that those relationships are strengthened and nurtured.

Example 3: *Termination of parental rights will not be pursued for an 8 year old Native American child.* This is because the Division does not believe it can prove continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child. Consistent with tribal custom, the tribe has placed the child with a tribal member who will care for the child on a permanent basis.

Example 4: *A sibling group, ages 6, 9, and 14, have been in foster care with Mr. and Mrs. J for three years.* They visit regularly with their biological mother. The division is not pursuing termination of parental rights. The children are bonded with Mr. and Mrs. J who have committed to care for the children on a permanent basis. This APPLA could be approved through a Planned Permanency Agreement (see Section 4.23 Attachment A).

The following **do not** qualify as an APPLA:

Extended Out-of-Home Care or Long-Term Foster Care. The ASFA statute explicitly **prohibits** long-term foster care as a permanency option. This is not considered a permanent living situation for a child. Long-term foster care is not stable and may disrupt, often leading to frequent moves for the child and instability.

Emancipation. Emancipation is unfortunately what sometimes happens when children leave foster care. It is not a permanency goal because it lacks certain permanency features contemplated by APPLA. Emancipation implies a

discharge from foster care simply by virtue of one's age without the necessary support system to provide sustained stability for the youth.

Independent Living. Independent Living is a set of services provided to a youth, not a permanency goal. A youth's APPLA may include independent living classes and other services as part of their permanent plan. An APPLA implies not just simply making a youth "independent", but implies a broader plan that includes a support system the youth can continue to access while in care as well as once they are no longer in custody.

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23.3 Criteria for Selection of APPLA as a Permanency Option

Prior to selecting this permanency option, the worker shall consider the following criteria to determine if this is the most appropriate option for the child(ren). The criteria are as follows:

- The Family Support Team has determined that reunification, adoption, guardianship, and/or placement with a fit and willing relative are not in the best interests of the youth.
- The child objects to TPR, and the juvenile court and/or Division believes it is in the best interest of the child not to pursue termination;
- There is an identified appropriate planned permanent living arrangement in which the child wishes to continue living;
- The out-of-home placement provider is in agreement with the plan and is able/willing, with the assistance of the Division, to meet the safety, permanency, and well-being needs of the youth.
- The youth has strong emotional/familial ties with the placement provider.
- The youth is able to understand the APPLA plan and all possible additional services are explored with the child and/or the placement provider to ensure the APPLA is safe, stable, and of the highest quality.

<p>NOTE: A disabled youth may not be able to fully participate in this decision, but every effort shall be made to involve them to their ability.</p>
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- Parent is actively involved in youth's life, but unable to resume full care, i.e., chronic and pervasive emotional/physical health problems, etc.
- The out-of-home care provider will make a formal Planned Permanency Agreement with the Division for this purpose.
- The parent(s) agrees with the plan.
- Compelling reasons for selecting an APPLA are clearly documented for the court.

NOTE: The birth parent should have been involved throughout the treatment process and should be aware of the plan. However, some parents may elect not to remain involved in their child(ren)'s life and will not participate in the APPLA plan.

23.4 Responsibilities in Development of the Planned Permanency Agreement

A Planned Permanency Agreement should be completed whenever either of the two permanency options, Placement with a Fit and Willing Relative or APPLA, are selected for a youth. In explaining Planned Permanency Agreement, the worker must ensure that the child, parent and placement provider understand:

- The differences between out-of-home care when the permanency plan is reunification versus when the permanency plan is Placement with a Fit and Willing Relative or APPLA.
- Continued rights and responsibilities of the biological parents;
- Rights and responsibilities of the placement provider;
- Placement provider's commitment to the youth; and,
- Youth's contact with biological parents, siblings and other kinships.

Once an Planned Permanency Agreement has been signed, the Children's Division will continue to provide supportive services as identified and agreed to by the Family Support Team.

The level of continued involvement by the family worker should be determined based on the following criteria:

- Stability of the placement;

- Services needed to support the placement;
- Child's wishes; and
- Placement provider's wishes.

23.5 Disruption of a Planned Permanency Agreement

A child with a Planned Permanency Agreement remains in the legal custody of the Division, but may or may not be in the physical custody of the Division. If the child is in the physical custody of a permanent care provider, the Division must consult with the family/juvenile court to determine if the worker can legally remove the child from the placement prior to a change in the court order. If disruption occurs, the Children's Services Worker must do the following:

- Interview child and placement provider individually and jointly to determine if relationship is irretrievably broken and, if not, determine what placement provider and child need/want to keep relationship intact.
- Involve placement provider in plan for removal from the home including explaining to the child why the placement did not succeed.
- Select new placement resource and prepare youth for new placement.
- Maintain close contact with youth following disruption.
- Prepare youth and new placement provider for issues surrounding separation and loss.
- Reassess permanency plan for youth.

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